

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:19-cv-589-GCM**

**MY'KA EL,**

**Plaintiff,**

**vs.**

**C.A. FAHRENHOLZ, et al.,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on its May 7, 2020, Order, (Doc. No. 3). Also pending is Plaintiff's Motion for Reconsideration, (Doc. No. 4).

Plaintiff filed a *pro se* Complaint asserting claims pursuant to 42 U.S.C. §§ 1983 and 1985 as well as for North Carolina defamation. (Doc. No. 1). The Court granted Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review pursuant to 28 U.S.C. § 1915. (Doc. No. 3). The Court granted Plaintiff the opportunity to amend his Complaint within 30 days and cautioned him that the failure to do so would result in this action's dismissal without prejudice and without further notice. (Doc. No. 3 at 6).

Rather than filing an Amended Complaint in accordance with the Court's Order, Plaintiff filed a Motion for Reconsideration. He contends that Defendants knowingly and willingly defamed him. As an alternative to reconsideration, Plaintiff asks the Court to appoint him a lawyer.

Plaintiff failed to amend his Complaint in accordance with the May 7 Order and therefore this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the

action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962)

(although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order). Plaintiff has stated no grounds that would warrant reconsideration or the appointment of counsel, and therefore, his Motion for Reconsideration will be denied.

**IT IS, THEREFORE, ORDERED that:**

- (1) This action is dismissed without prejudice for Plaintiff’s failure to comply with the Court’s May 7, 2020 Order.
- (2) Plaintiff’s Motion for Reconsideration, (Doc. No. 4), is **DENIED**.
- (3) The Clerk of this Court is directed to terminate this action.

Signed: June 17, 2020

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

